(39)

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI H.L. DATTU, C.J.

Writ Petition No. 509 of 1991

Petitioners: (Non-applicant) Rameshwar Prasad Dixit, S/o Ramdayal, R/o Telighani Chowk at Dixit Engineering Works Raipur, M.P.

Versus

Respondents: Tilakchand S/o Harichandra Choudhary R/o Lodhipara, Station Road, Raipur, M.P.

Present : Shri H.B. Agrawal Sr. Advocate with Shri J.K. Gupta counsel for the petitioner.

ORAL ORDER

(Passed on 4th May, 2007)

The petitioner in this writ petition just calls in question the order passed by the Commissioner for Workmen's Compensation , Raipur dated 7.12.1990.

2. The respondent in this writ petition was the claimant before the Commissioner for Workmen's Compensation in Case No. 9/1982. It appears that the Commissioner for Workmen's Compensation had passed an ex parte award.

3. After coming to know about the ex parte award passed by the Commissioner for Workmen's Compensation, the petitioner in this writ petition had filed an application for re-calling the ex parte award. The said application was rejected by the Commissioner for Workmen's Compensation by his order dated 7.12.1990 and it is that order which is the subject matter of the writ petition.

4. In my view, the petitioner without questioning the award passed by the Commissioner for Workmen's Compensation could not have merely questioned the order dated 7.12.1990 wherein the Commissioner for Workmen's Compensation has rejected the petitioner's application for recalling the earlier ex parte order passed. In matters of this nature, petitioner is expected not only to question the order passed rejecting his application for recalling the ex parte award and also the award itself. Even otherwise also, nearly after seventeen years from the date of passing the award, it may not be proper to unsettle the settled dispute.

5. In view of above, in my opinion, the relief sought for by the petitioner in this writ petition cannot be granted. Accordingly, the petition is rejected. Ordered accordingly.

Sd/-
Chief Justice